

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Devices Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:
ALL ACTIONS

**MOTION TO REQUEST
REDACTION OF TRANSCRIPT**

Pursuant to the Court's Policy for Electronic Access to Transcripts of Court Proceedings in CM/ECF and PACER, section C, paragraph 8, Defendants respectfully request that the June 12, 2019 transcript (ECF No. 1980) of the hearing on Defendants' Motion for Reconsideration of the December 13, 2017 *Daubert* Order ("Motion for Reconsideration") be redacted and sealed as follows:

Page	Line(s)	Basis for Redaction Request
66	7-21	Discusses and quotes from a document ordered permanently sealed by this Court. (<i>See</i> ECF No. 1182 (sealing document at ECF No. 895).)
121	18-23	Paraphrases Bair Paws exhibit, which has been permanently sealed by this Court. (<i>See</i> ECF No. 1294 (sealing document at ECF Nos. 916, 937).)
123	5-11	Discusses and quotes from a document ordered permanently sealed by this Court. (<i>See</i> ECF No. 1182 (sealing document at ECF No. 901).)
125	19-22	Discusses and quotes from a document ordered permanently sealed by this Court. (<i>See</i> ECF Nos. 854, 1182 (sealing document at ECF Nos. 347, 887).)

At a minimum, Defendants request that the above-referenced portions of the transcript be provisionally redacted and sealed until such time as the Court rules on Defendants' Motion for Reconsideration and it can be determined whether any of the documents at issue played any role in the adjudicative process. *See Krueger v. Ameriprise*

Financial, Inc., No. 11-2781 (SRN/JSM), 2014 WL 1257948, at *9 (D. Minn. Oct. 14, 2014). Unless the documents play a role in the adjudicative process, the public's interest in access to that material is minimal and outweighed by Defendants' interests in maintaining the confidentiality of the content of their documents. *Id.*, 2014 WL 1257948, at *25 (upholding redaction of hearing transcript where "the disputed passages quote from documents that the Court has determined should remain sealed," and "[t]he redactions were minimal, and minimally impact the public's right to access court proceedings; the public has not previously had access to these documents or the information disclosed in the documents; [defendants] have adequately explained how they would be prejudiced by the release of this information; and [defendants] have a strong property interest in the information"). From Defendants' perspective, these materials are irrelevant to the issues raised in Defendants' Motion for Reconsideration and were discussed by Plaintiffs' counsel for the improper purpose of attempting to publicly disclose sealed materials.

Accordingly, Defendants respectfully request that their motion be granted and that the transcript of the hearing on Defendants' Motion be redacted as indicated herein.

Dated: July 22, 2019

Respectfully submitted,

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